



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR



Date Mailed: May 23, 2016
MAHS Docket No.: 16-003799
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, an in-person hearing was held on May 19, 2016, from Lapeer, Michigan. The Petitioner, [REDACTED] [REDACTED] appeared and testified as did his mother, [REDACTED] [REDACTED]. The Department of Health and Human Services (Department) was represented by Hearing Facilitator, [REDACTED] [REDACTED].

The hearing was originally scheduled for April 19, 2016. On April 18, 2016, the Michigan Administrative Hearing System (MAHS) the Petitioner's request for an adjournment of the scheduled telephone hearing for an in-person hearing. On April 18, 2016, Administrative Law Judge Lauren Van Steel issued an Adjournment Order for In-Person Hearing. The hearing then proceeded as rescheduled.

The following exhibits were offered and admitted into evidence:

Department: A--FEE investigation report.
B--Petitioner's Offender Tracking Information System records.
C--March 8, 2016, Notice of Case Action.

Petitioner: None.

ISSUE

Did the Department properly take action to close the Petitioner's Food Assistance Program (FAP) case?

FACTS

1. The Petitioner was ongoing recipient of monthly FAP benefits in the amount of \$ [REDACTED]
2. A FEE investigation revealed that the Petitioner has been convicted of two drug-related felonies since August 1996.
3. On March 8, 2016, the Department sent Petitioner a Notice of Case Action informing the Petitioner that his FAP case would close effective April 1, 2016.
4. On March 30, 2016, the Department received the Petitioner's hearing request protesting the closure of his case. On March 24, 2016, the Petitioner withdrew his hearing request at a prehearing conference. On April 20, 2016, the Petitioner again filed a request for hearing regarding the closure of his FAP case.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

Additionally, Bridges Eligibility Manual (BEM) 203 (2015) p. 2, provides that an individual convicted of a felony for the use, possession, or distribution of controlled substances two or more times in separate periods will be permanently disqualified if both offenses occurred after August 22, 1996. In this case, it is not contested that the Petitioner has two, separate drug-related felony convictions which occurred after August 22, 1996.

The Petitioner testified that he does not know what else he is supposed to do as the FAP program is his only source of healthy food. The Petitioner testified that he will starve without the FAP benefits. He is disabled and cannot work. The Petitioner expressed that he did not feel the policy was fair. The Petitioner was informed that this Administrative Law Judge has no equity jurisdiction and is limited in her decision to whether or not the Department is acting in accordance with its policy. The Petitioner was advised to apply for State Disability Assistance.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it took action to close the Petitioners FAP case.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



SH/nr

Susanne E. Harris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; Attention: MAHS Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]